

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and	)	
Through his mother and next friend,	)	
OWENA KNOWLES,	)	
	)	
Plaintiff,	)	CASE NO.:
	)	3:06-CV-00715-MHT
v.	)	
	)	
PAWN CITY, INC.; NORINCO	)	
a/k/a CHINA NORTH INDUSTRIES	)	
COPORATION, et al.,	)	
	)	
Defendants.	)	

MOTION TO DISMISS

COMES NOW defendant Qiqihar Hawk Industries Co. Ltd., pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure and moves this Court to dismiss Qiqihar Hawk for lack of jurisdiction over the person. In support thereof, Qiqihar Hawk submits the Declaration of Wu Riuhuan, attached hereto as Exhibit 1. In further support, Qiqihar Hawk would show the Court as follows:

1. Plaintiff brings suit against Qiqihar Hawk, alleging that he injured himself while using a shotgun that he claims Qiqihar Hawk manufactured. Qiqihar Hawk did not, however, manufacture or sell the shotgun at issue, and this Court does not have in personam jurisdiction over Qiqihar Hawk. The Complaint is therefore due to be dismissed.

2. To demonstrate personal jurisdiction, the plaintiff must establish that such jurisdiction would comport with Alabama's Long-Arm Provision and the requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Since Alabama's Long-Arm Provision is coextensive with the limits of the United States Constitution, plaintiff must demonstrate that personal jurisdiction over Qiqihar Hawk meets the requirements of federal due process. This requires that Qiqihar Hawk have certain minimal contacts with Alabama and that the exercise of jurisdiction over Qiqihar Hawk not offend "traditional notions of fair play and substantial justice." Huey v. American Truetzschler Corp., 47 F.Supp.2d 1342, 1346 (M.D. Ala. 1999) quoting Burnham v. Superior Court of California, County of Marin, 495 U.S. 604, 618, 110 S.Ct. 2105, 2114-15, 109 L.Ed.2d. 631 (1990).

3. Two types of contacts create personal jurisdiction: specific and general. If Qiqihar Hawk had frequent contacts with Alabama unrelated to this particular litigation, general jurisdiction would arise; if Qiqihar Hawk had contacts with Alabama related to this particular cause of action, specific jurisdiction would arise. Huey, 47 F.Supp.2d at 1346. With respect to specific jurisdiction, three things must be shown: (1) Qiqihar Hawk's contact must be related to the fact that plaintiff received possession of and injured himself with a shotgun; (2) Qiqihar Hawk must by some act purposefully avail itself of the privilege of conducting activities within Alabama, thus invoking the benefits and protections of Alabama's laws; and (3) those contacts must be such that Qiqihar Hawk should reasonably anticipate being hailed into Alabama. Id. at 1346.

4. Specific jurisdiction does not arise because Qiqihar Hawk did not manufacture or sell the shotgun at issue. Wu Ruihuan, manager of the Export Department for Qiqihar Hawk, testifies by her Declaration that Qiqihar Hawk did not manufacture, sell or export the shotgun at issue. (Decl. of Wu Ruihuan ¶ 6.) Although Qiqihar Hawk is in the business of designing and manufacturing shotguns, it did not

manufacture or sell shotguns from 1997 to 2003. (Id. ¶ 3-4.) The company's production was suspended during that period of time, as explained by Ms. Wu in her Declaration. (Id. ¶¶ 3-5.) It was not until 2003 that the Chinese government even permitted Qiqihar Hawk to export shotguns. (Id. ¶ 4.) Indeed, the shotgun at issue in this case bears the name "Norinco" stamped on the receiver. Shotguns manufactured and sold by Qiqihar Hawk for export to the United States do not bear the name "Norinco"; rather, they have the name "Hawk" inscribed on the receiver. (Id. ¶ 6.) Since Norinco states that it purchased the shotgun in 1999 and plaintiff's mother purchased the shotgun in Alabama in September 2003, Qiqihar Hawk could not possibly have manufactured or sold the shotgun. (Answers of Norinco to Pl.'s Interrog. No. 2, attached hereto as Exh. 2; Compl. ¶ 6.) Indeed, the contract produced by Norinco relating to its purchase of the shotgun shows that a company by the name of Heilongjiang Hawk Group Co. Ltd. was the seller of the shotgun. (Decl. of Wu ¶ 7.)

5. With respect to general jurisdiction, plaintiff must show that Qiqihar Hawk had "continuous and systematic general business contacts" with Alabama. Seymour v. Bell Helmet Corporation, 624 F.Supp. 146, 148 (M.D. Ala. 1985) quoting Helicopteros Nacionales de Columbia S.A. v. Hall, 466 U.S. 408, 416, 104 S.Ct. 1868, 1873, 80 L.Ed.2d. 404 (1984). "The standard for general jurisdiction is more stringent than that for specific jurisdiction." Seymour, 624 F.Supp. at 148 (citation omitted); In re Amtrak "Sunset Limited" Train Crash in Bayou Canot, Alabama, on September 22, 1993, 923 F.Supp. 1524, 1528 (S.D. Ala. 1996) ("A plaintiff has an especially heavy burden in seeking to establish general jurisdiction."). Qiqihar Hawk has no regular direct contact with Alabama. (Wu Decl. ¶ 8.) It does not operate a business in Alabama and has not

been licensed or authorized to do so. (Id.) It does not own real property in Alabama, nor does it have any bank accounts or offices here. (Id.) It has not advertised here, paid taxes here, or had a telephone listing. (Id.) It does not have a post office box or other mailing address in Alabama. (Id.) Qiqihar Hawk does not do business with any business or person in the State of Alabama. (Id.) Qiqihar Hawk does not export its products to the State of Alabama. (Id.) Having no direct, systematic or continuous contact with the State of Alabama, Qiqihar Hawk is not subject to the general jurisdiction of this Court.

6. Accordingly, plaintiff cannot meet his burden of establishing that the exercise of personal jurisdiction over Qiqihar Hawk comports with the fundamental requirements of due process. See, Brannon v. Finance America, LLC, 2007 WL 495780, \*2 (M.D. Ala. Feb. 15, 2007) (noting that plaintiff bears the burden of demonstrating that the exercise of personal jurisdiction is appropriate).

WHEREFORE, the foregoing considered, Qiqihar Hawk moves this Court to dismiss the Complaint of plaintiff against it for lack of personal jurisdiction.

Respectfully submitted,

/s/Todd M. Higey

Todd M. Higey

Ala. Bar No. HIG019

Attorney for Qiqihar Hawk  
Industries Co. Ltd.

ADAMS AND REESE LLP

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Birmingham, Alabama 35203-3367

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Fax: (205) 250-5034

E-mail: todd.higey@arlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

David J. Hodge, Esq.  
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/s/Todd M. Higey  
Of Counsel

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

V.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
COPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

MOTION TO DISMISS

# Exhibit 1

## Declaration of Wu Ruihuan

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
CORPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

DECLARATION OF WU RUIHUAN

COMES NOW the declarant and swears and affirms as follows:

1. My name is Wu Ruihuan, I am over the age of nineteen years and I have personal knowledge of the matters set forth herein.
2. I am an employee of Qiqihar Hawk Industries Co. Ltd., whose principal place of business is No. 3 Delong Road, Qiqihar, Heilongjiang Province, China. I am the manager of the Export Department for Qiqihar Hawk.
3. Qiqihar Hawk is in the business of designing and manufacturing shotguns. Prior to 1996, the shotguns were sold domestically; from 1997 to 2003, our company's production was suspended - Qiqihar Hawk neither manufactured nor sold shotguns during this period of time; and since 2004, we export our shotguns. As noted, prior to 1997, Qiqihar Hawk sold guns domestically, to citizens of China. A law was enacted that prohibited individual Chinese citizens from owning firearms and Qiqihar Hawk ceased doing business until 2004, when it received approval from the Chinese government to export shotguns.



4. Attached hereto as Exhibits A and B respectively are true and accurate copies of both the Chinese originals and English translations of a Certificate of Approval for Enterprises with Foreign Trade Rights in the People's Republic of China and a Certificate of Registration Records for Enterprises in Chinese Customs. These documents were received from the Chinese government in the regular course of Qiqihar Hawk's business, and it was the regular practice of Qiqihar Hawk to keep and maintain these records. These two documents show that Qiqihar Hawk was not permitted under Chinese law to export shotguns prior to 2003.

5. Attached hereto as Exhibit C are true and accurate copies of both the Chinese originals and English translations of Annual Income Tax Return Statements created by Qiqihar Hawk in the ordinary course of its business. These forms are generated in the regular course of Qiqihar Hawk's business, and it is the regular course of the company's business to maintain these forms. In them, the company states its revenue to the relevant Chinese revenue authorities in compliance with the requirements of the Chinese system of fiscal charges. These forms bear the specific seal approved by the aforementioned revenue authorities (please see the seal in the originals). These forms show that Qiqihar Hawk did not produce shotguns between 1996 and 2004, and the company generated no income.

6. Qiqihar Hawk did not manufacture, sell or export the Norinco Model 98 shotgun at issue in the above-captioned lawsuit. I understand that Norinco says it purchased the Model 98 shotgun in 1999, and plaintiff says he purchased the shotgun in September of 2003. As I stated above, Qiqihar Hawk was not in operation during that time period and did not manufacture or sell shotguns. Additionally, I understand the shotgun at issue bears the stamp "Norinco" on the receiver. Shotguns manufactured and sold by Qiqihar Hawk for export to the United States of America do not bear this name; rather, they have the name "Hawk" stamped on the receiver.



7. I have reviewed a contract submitted by Norinco, attached hereto as Exhibit D, which purports to be the contract relating to the purchase by Norinco of the shotgun at issue in this case. The supplier identified in the contract is Heilongjiang Hawk Group Co. Ltd. This is not Qiqihar Hawk; Qiqihar Hawk has no connection or relationship with Heilongjiang. As I have already stated, Qiqihar Hawk was not manufacturing or selling guns in 1999, the date of this Norinco contract.

8. Qiqihar Hawk does not operate a business in the State of Alabama in the United States of America. It is not, nor has it been, licensed or authorized to do business in Alabama. Qiqihar Hawk does not own property, have any bank accounts, or offices in Alabama. It has not advertised in Alabama; it does not pay taxes to the State of Alabama; nor does it have a telephone listing in that State. Qiqihar Hawk does not have a post office or other mailing address in Alabama. Qiqihar Hawk does not do business with any business or person in the State of Alabama. Qiqihar Hawk does not export its products to the State of Alabama.

Further the declarant saith not.

I declare under penalty of perjury under the laws of the United States of America that this is true and correct.

Executed on this the 8<sup>th</sup> day of June 2007.

  
\_\_\_\_\_  
WU RUIHUAN

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
COPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

DECLARATION OF WU RUIHUAN

**Exhibit A**



# 中华人民共和国进出口企业 资 格 证 书

## CERTIFICATE OF APPROVAL

FOR ENTERPRISES WITH FOREIGN TRADE RIGHTS  
IN THE PEOPLE'S REPUBLIC OF CHINA

进出口企业代码

230012853508X

批 准 文 号

黑外经贸备案字 (2003) 195号

批 准 日 期


发 证 日 期

2003

2003



No 0140582

企 业 名 称	中 文	齐齐哈尔猎枪有限公司		
	英 文	 <b>Qiqihar Hawk Industries Co., LTD</b> Qiqihar Shermun LTD.		
企 业 地 址		黑龙江省齐齐哈尔市南苑路15号		
企 业 类 型		生产企业	法定代表人	徐振雷
主 管 部 门		黑龙江省外经贸厅		
注 册 资 金		人民币伍拾叁万元		
经 营 范 围		经营本企业自产产品及技术的出口业务和本企业所需的机械设备、零配件、原辅材料及技术的进口业务，但国家限定公司经营或禁止进出口的商品及技术除外。		
进出口商品目录		一、出口商品目录（国家组织统一联合经营的出口商品除外）：本企业自产产品及其相关技术。※ 二、进口商品目录（国家实行核定公司经营的进口商品除外）：本企业所需的原辅材料、机械设备、仪器仪表、零配件及其相关技术。※		



QG08

中 华 人 民 共 和 国 海 关  
进 出 口 货 物 收 发 货 人 报 关 注 册 登 记 证 书

海关注册登记编码 2302960034

注册 登 记 日 期 2003 年 12 月 26 日

中华人民共和国 齐齐哈尔海关





企业名称	齐齐哈尔猎枪有限公司	
企业地址	齐齐哈尔高新技术产业开发区德龙路3号	
法定代表人 (负责人)	徐振雷	
注册资本	53万人民币	
经营范围	猎枪制造, 经营本企业自产产品及相关技术的 进出口	
主要投资者名称		出资额及比例
备注: 本证书有效期至 2008 年 12 月 26 日, 报关单位 应当在有效期届满前三十日至海关办理换证手续, 逾期自动失效。		

## **Certificate of Approval**

for Enterprises with Foreign Trade Rights in The People's Republic of  
China

Code of Enterprises with Foreign Trade Rights: 230012853508X

Approval Number: 黑外经贸备案字 NO. (2003) 155

Approval Date: 28<sup>th</sup> Nov. 2003

Authorized Date: 28<sup>th</sup> Nov. 2003

Enterprise's Name:	Chinese Name	齐齐哈尔猎枪有限公司	
	English Name	Qiqihar Hawk Industries Co., LTD	
Enterprise's Address:	No.15 Nanyuan Road, Qiqihar, Heilongjiang		
Enterprise's Type:	Factory	Juridical Person:	Xu Zhenlei
Department in Charge:	Heilongjiang Foreign Trade and Economic Office		
Registered Fund:	RMB: 530,000¥		
Business's Range:	Export business including products and technique made by the company; Import business including machinery equipments, spare parts, raw material. Whereas except those products; technique or business prohibited by the nation to im/export		
Catalogue of Commodities for Export and import:	I. Catalogue for Export Goods: (except those exported by the nation) products and technique made by the company; II. Catalogue for Import Goods: (except those designated to be imported by certain companies): machinery equipments, spare parts, raw material and relevant technique.		

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

V.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
CORPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

### DECLARATION OF WU RUIHUAN

## Exhibit B

QG08

中 华 人 民 共 和 国 海 关  
进 出 口 货 物 收 发 货 人 报 关 注 册 登 记 证 书

海关注册登记编码 2302960034

注册登记日期 2003 年 12 月 26 日

中华人民共和国 齐齐哈尔海关





企业名称	齐齐哈尔猎枪有限公司	
企业地址	齐齐哈尔高新技术产业开发区德龙路3号	
法定代表人 (负责人)	徐振雷	
注册资本	53万人民币	
经营范围	猎枪制造, 经营本企业自产产品及相关技术的 进出口	
主要投资者名称		出资额及比例
备注: 本证书有效期至 2008 年 12 月 26 日, 报关单位 应当在有效期届满前三十日至海关办理换证手续, 逾期自动失效。		

**Certificate of Registration Records for Enterprises in  
Chinese Customs**

Registered codes in Customs: 2302960034

Registered Date: 26<sup>th</sup>, Dec. 2003

(stamped by) Qiqihar Customs

Enterprise's Name: Qiqihar Hawk Industries Co., LTD  
Enterprise's Address: No.3 Delong Road, Qiqihar, Heilongjiang  
Juridical Person(principal): Xu Zhenlei  
Registered Fund: RMB: 530,000¥  
production for shotguns;im/export business  
including products and technique made by  
Business's Range: the company  
names of the main investor amount and the proportion of the investment

Memo:Expired date of the certificate: till 26th,Dec,2008.Registered  
company should come to the Customs to handle the revampment of the  
certificate 30 days before expiry,invalidated once overdue.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
COPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

DECLARATION OF WU RUIHUAN

**Exhibit C**



## 企业所得税纳税申报表

龙地A 10102

企业编码: 申报期: 97年1月1日至97月10日, 金额单位: 元

申报单位	新哈市城市建设有限公司	行业类别	轻工纺织	隶属关系	市级
地 址	龙沙路	经济性质	股份制	预算级次	
项 目	行次	本期数	累计数	补 充 资 料	
一. 销售 (营业) 收入	1			1. 工业总产值: 元	
减: 销售折扣与折让	2			2. 年平均职工人数 人	
销售 (营业) 成本	3			3. 安置四残人员: 人	
销售 (营业) 费用	4			4. 安置待业人员: 人	
销售 (营业) 税金及附加	5			5. 工资总额: 元	
二. 销售 (营业) 利润	6			6. 效益工资: 元	
加: 代购代销收入	7			7. 税后利润: 元	
其它业务利润	8				
其中: 技术转让收益	9				
境外劳务收益	10				
减: 管理费用	11		206.80		
财务费用	12	250	250		
汇兑损失	13				
三. 营业利润	14	250	250.20		
加: 投资收益	15				
其中: 联营企业分回利润	16				
境外投资收益	17				
股息收益	18				
国库券利息收入	19				
国家补贴收入	20				
营业外收入	21				
减: 营业外支出	22				
四. 利润总额	23	250	250.20		
加: 纳税调整增加额	24				
减: 纳税调整减少额	25				
五. 应纳税所得额	26	0	0	备 注	
适用税率	27			税务机关受理日期:	
六. 应纳税所得额	28			年 月 日	
减: 减、免所得税额	29			受理人 (签名):	
加: 联营企业利润补税额	30				
股息收入补税额	31				
境外收益补税额	32				
七. 应缴入库所得税额	33			龙地	
加: 期初未交所得税额	34			关	
减: 实际已缴纳所得税额	35				
八. 期末应补 (退) 所得税额	36				

申报单位章 填报期 98年1月4日 经办人: 主管会计: 负责人:

齐齐哈尔市地方税务局印制



Annual Income Tax return Statement(year 1997)				
For the year ( or quarter, month ) from 1st Jan to 31st,Dec., 1997				
Tax payer's name:	Qiqihar Hawk Industries.Co.Ltd			
Period of taxation:	The forth quarter of the year			
Items	Line NO.	at BEG. of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
II、Operating Income	6			
Add:Income of buy or sell on one's behalf	7			
Add:Profit from other business	8			
income from technology transfer	9			
	10			

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## 企业所得税纳税申报表

龙地A 10102

企业编码: 申报期: 98年1月1日至12月31日 金额单位: 元

申报单位	齐齐哈尔市龙地A有限公司	行业类别	制造业	隶属关系	市级
地 址	龙沙路188号	经济性质	股份制	预算级次	
项 目	行次	本期数	累计数	补 充 资 料	
一. 销售(营业)收入	1			1. 工业总产值: _____ 元	
减: 销售折扣与折让	2			2. 年平均职工人数 _____ 人	
销售(营业)成本	3			3. 安置四残人员: _____ 人	
销售(营业)费用	4			4. 安置待业人员: _____ 人	
销售(营业)税金及附加	5			5. 工资总额: _____ 元	
二. 销售(营业)利润	6			6. 效益工资: _____ 元	
加: 代购代销收入	7			7. 税后利润: _____ 元	
其它业务利润	8				
其中: 技术转让收益	9				
境外劳务收益	10				
减: 管理费用	11		858.00		
财务费用	12		-1.97		
汇兑损失	13				
三. 营业利润	14		-856.03		
加: 投资收益	15				
其中: 联营企业分回利润	16				
境外投资收益	17				
股息收益	18				
国库券利息收入	19				
国家补贴收入	20				
营业外收入	21				
减: 营业外支出	22				
四. 利润总额	23		-856.03		
加: 纳税调整增加额	24				
减: 纳税调整减少额	25				
五. 应纳税所得额	26		-856.03	备 注	
适用税率	27			税务机关受理日期: _____ 年 月 日	
六. 应纳所得税额	28		0	受理人(签名): _____	
减: 减、免所得税额	29				
加: 联营企业利润补税额	30				
股息收入补税额	31				
境外收益补税额	32				
七. 应缴入库所得税额	33				
加: 期初未交所得税额	34				
减: 实际已缴所得税额	35				
八. 期末应补(退)所得税额	36				

申报单位: 齐齐哈尔市龙地A有限公司 申报期: 99年12月11日 经办人: 王红梅 主管会计: \_\_\_\_\_ 负责人: \_\_\_\_\_

齐齐哈尔市地方税务局印制



Annual Income Tax return Statement(year 1998)				
For the year ( or quarter, month ) from 1st Jan to 31st,Dec., 1998				
Tax payer's name:		Qiqihar Hawk Industries.Co.Ltd		
Period of taxation:		The forth quarter of the year		
Items	Line NO.	at BEG. of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
II、Operating Income	6			
Add:Income of buy or sell on one's behalf	7			
Add:Profit from other business	8			
income from technology transfer	9			
	10			
Less: General and administrative expense	11		¥ 858.00	
Less: Financial expense	12		¥ -1.97	
	13			
III: Operating income	14		¥ -856.03	
Add: Investment income	15			

	16			
	17			
	18			
	19			
	20			
	21			
	22			
VI: Income before tax	23		¥ -856.03	
	24			
	25			
V: Income Tax	26		¥ -856.03	
	27			



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龙地A 10102

## (99) 年度企业所得税纳税申报表

填表日期: 2000 年 2 月 18 日

金額單位：元(列至角分)

纳税人名称		税款所属时期		补充资料	
项目	行次	本期数	累计数		
一、销售(营业)收入	1			1、工业总产值:	
减: 销售折扣与折让	2			元	
减: 销售(营业)成本	3			2、年平均职工人数	
减: 销售(营业)费用	4			元	
减: 销售(营业)税金及附加	5			3、安置四残人员	
二、销售营业利润	6			元	
加: 代购代销收入	7			4、安置待业人员	
加: 其它业务利润	8			元	
其中: 技术转让收益	9			5、工资总额	
境外劳务收益	10			元	
减: 管理费用	11			6、效益工资	
减: 财务费用	12			元	
减: 汇兑损失	13			7、税后利润	
三、营业利润	14			元	
加: 投资收益	15				
其中: 联营企业分回利润	16				
境外投资收益	17				
股息收益	18				
国库券利息收入	19				
加: 国家补贴收入	20				
加: 营业外收入	21				
减: 营业外支出	22				
以前年度损益调整	23				
四、利润总额	24				
加: 纳税调整增加额	25				
减: 纳税调整减少额	26				
五、应纳税所得额	27				
适用税率	28				
六、应纳所得税额	29				
减: 减免所得税额	30				
加: 联营企业利润补税额	31				
加: 股息收入补税额	32				
加: 境外收益补税额	33				
七、应缴入库所得税额	34				
加: 期初未交所得税额	35				
减: 实际已缴纳所得税额	36				
八、期末应补(退)所得税额	37				

如纳税人填报, 由纳税人填写以下各栏

会计主管      经办人      纳税人

如委托代理人填报, 由代理人填写以下各栏

代理人名称      代理人(签章)

地址      电话

备注

以下由税务机关填写

收到申报表日期      接收人

Annual Income Tax return Statement(year 1999)				
For the year ( or quarter, month ) ended 18, Feb., 2000				
Tax payer's registry number:		23020212853508X		
Tax payer's name:		Qiqihar Hawk Industries.Co.Ltd		
Period of taxation:		The forth quarter of the year		
Items	Line NO.	at BEG. of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
II、Operating Income	6			
Add:Income of buy or sell on one's behalf	7			
Add:Profit from other business	8			
income from technology transfer	9			
	10			
Less: General and administrative expense	11	¥ 1,446.00		
Less: Financial expense	12	¥ -145.21		
	13			
III: Operating income	14	¥ -1,300.79		
Add: Investment income	15			
	16			

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龙地010010102

# 企业所得税年度纳税申报表

金额单位：元

税款所属期间：2000年1月1日至2000年12月31日

微机管理编码：

230202128535081

纳税人名称		纳税人识别号		帐	号
纳税人识别号		邮政编码		161000	
纳税人所属注册类型		纳税人所属行业			
纳税人开户银行		210-002210172-139			
行次	项	目	金	额	目
1	销售(营业)收入				纳税调整前所得(14-15-16)
2	减：销售退回				加：纳税调整增加额(44+...+58)
3	折扣与折让				其中：工资薪金纳税调整额
4	销售(营业)收入净额(1-2-3)				职工福利费、职工工会经费和职工教育经费的纳税调整额
5	其中：免税的销售(营业)收入				利息支出纳税调整额
6	特许权使用费收益				业务招待费纳税调整额
7	投资收益				广告支出纳税调整额
8	投资转让净收益				赞助支出纳税调整额
9	租赁净收益				捐赠支出纳税调整额
10	汇兑净收益				折旧、摊销支出纳税调整额
11	资产盘盈净收益				折旧、摊销支出纳税调整额
12	补贴收入				坏帐损失纳税调整额
13	其他收入				坏帐准备纳税调整额
14	收入总额合计(4+6+7+8+9+10+11+12+13)				罚款、罚金或滞纳金
15	销售(营业)成本				存货跌价准备
16	期间费用合计(17+...+41)				短期投资跌价准备
17	其中：工资薪金				长期投资减值准备
18	职工福利费、职工工会经费、职工教育经费				其他纳税调整增加项目
19	固定资产折旧				减：纳税调整减少额(60+61)
20	无形资产、递延资产摊销				其中：研究开发费用附加扣除额
21	研究开发费用				其他纳税调整减少项目
22	利息净支出				纳税调整后所得(42+43-59)
23	汇兑净损失				减：弥补以前年度亏损
					减：免税所得(65+...+71)



24	租金净支出	65	其中：国债利息所得
25	上缴总机构管理费	66	免稅的补贴收入
26	业务招待费	67	免稅的纳入预算管理的基金、收费或附加
27	税金	68	免于补稅的投资收益
28	坏账损失	69	免稅的技术转让收益
29	增提的坏账准备金	70	免稅的治理“三废”收益
30	资产盘亏、毁损和报废净损失	71	其他免稅所得
31	投资转让净损失	72	应纳税所得額 (62-63-64)
32	社会保险缴款	73	适应稅率
33	劳动保护费	74	应繳所得稅額
34	广告支出	75	减：期初多繳所得稅額
35	捐赠支出	76	已預繳的所得稅額
36	审计、咨询、诉讼费	77	应补稅的境内投资收益的抵免稅額
37	差旅费	78	应补稅的境外投资收益的抵免稅額
38	会议费	79	应补稅的境内外投资收益的所得稅額
39	运输、装卸、包装、保险、展览费、销售费用	80	经批准减免的所得稅額 (74-...-79)
40	矿产资源补偿费		
41	其他扣除费用项目		

除	目
24	租金净支出
25	上缴总机构管理费
26	业务招待费
27	税金
28	坏账损失
29	增提的坏账准备金
30	资产盘亏、毁损和报废净损失
31	投资转让净损失
32	社会保险缴款
33	劳动保护费
34	广告支出
35	捐赠支出
36	审计、咨询、诉讼费
37	差旅费
38	会议费
39	运输、装卸、包装、保险、展览费、销售费用
40	矿产资源补偿费
41	其他扣除费用项目

纳税人代表签章：	代理申报中介机构签章：
纳税人单位公章：	日期：
日期：	经办人：
联系电话：	经办人执业证件号码：
以下由税务机关填写：	联系电话：
经办人：	
受理申报日期：	
审核人：	
审核日期：	

受理申报税务机关公章

Annual Income Tax return Statement(year 2000)				
For the year ( or quarter, month ) beginning from 1st Oct.2000 to 31st,Dec., 2000				
Tax payer's registry number:		23020212853508X10102		
Tax payer's name:	Qiqihar Hawk Industries.Co.Ltd			
Taxpayer's address:	NO.183 Longsha Road			
zip code:	161000			
Taxpayer's type	company limited			
taxpayer's main business				
taxpayer's account bank	Industrial and Commercial Bank of China(Qiqihar Branch)			
Bank account NO:	310-02210172-139			
Items	Line NO.	at BEG. of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
	6			

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# 企业所得年度纳税申报表

稅款所屬期間: 2002 年 10 月 1 日至 2002 年 12 月 31 日

微机管理编码:

元

龙地A 101031

100

纳税人名称		长沙市新嘉利有限公司		纳税人地址		长沙路180号		纳税人所属注册类型		有限责任公司		纳税人开户银行		长沙市分行		纳税人所属行业		制造业		邮政编码		15,000		金 额					
行次		项 目		金 额		行次		项 目		金 额		行次		项 目		金 额		行次		项 目		金 额		行次		项 目		金 额	
1	销售(营业)收入					42	纳税调整前所得	(14-15-16)				42	应 纳 税 所 得 额					42	应 纳 税 所 得 额					42	应 纳 税 所 得 额				
2	减: 销售退回					43	加: 纳税调整增加额	(44+...+58)				43	应 纳 税 所 得 额					43	应 纳 税 所 得 额					43	应 纳 税 所 得 额				
3	折扣与折让					44	其中: 工资薪金					44	应 纳 税 所 得 额					44	应 纳 税 所 得 额					44	应 纳 税 所 得 额				
4	销售(营业)收入净额	(1-2-3)				45	职工福利费、职工工会经费和职工教育经费的纳税调整额					45	应 纳 税 所 得 额					45	应 纳 税 所 得 额					45	应 纳 税 所 得 额				
5	其中: 免税的销售(营业)收入					46	利息支出					46	应 纳 税 所 得 额					46	应 纳 税 所 得 额					46	应 纳 税 所 得 额				
6	特许权使用费收益					47	业务招待费					47	应 纳 税 所 得 额					47	应 纳 税 所 得 额					47	应 纳 税 所 得 额				
7	投资收益					48	广告支出					48	应 纳 税 所 得 额					48	应 纳 税 所 得 额					48	应 纳 税 所 得 额				
8	投资转让净收益					49	赞助支出					49	应 纳 税 所 得 额					49	应 纳 税 所 得 额					49	应 纳 税 所 得 额				
9	租赁净收益					50	捐赠支出					50	应 纳 税 所 得 额					50	应 纳 税 所 得 额					50	应 纳 税 所 得 额				
10	汇兑净收益					51	折旧、摊销支出					51	应 纳 税 所 得 额					51	应 纳 税 所 得 额					51	应 纳 税 所 得 额				
11	资产盘盈净收益					52	坏账损失					52	应 纳 税 所 得 额					52	应 纳 税 所 得 额					52	应 纳 税 所 得 额				
12	补贴收入					53	坏账准备					53	应 纳 税 所 得 额					53	应 纳 税 所 得 额					53	应 纳 税 所 得 额				
13	其他收入					54	罚款、罚金或滞纳金					54	应 纳 税 所 得 额					54	应 纳 税 所 得 额					54	应 纳 税 所 得 额				
14	收入总额合计	(4+6+7+8+9+10+11+12+13)				55	存货跌价准备					55	应 纳 税 所 得 额					55	应 纳 税 所 得 额					55	应 纳 税 所 得 额				
15	销售(营业)成本					56	长期投资减值准备					56	应 纳 税 所 得 额					56	应 纳 税 所 得 额					56	应 纳 税 所 得 额				
16	期间费用合计	(17+...+41)				57	其他纳税调整增加项目					57	应 纳 税 所 得 额					57	应 纳 税 所 得 额					57	应 纳 税 所 得 额				
17	其中: 工资薪金					58	减: 纳税调整减少额	(60+61)				58	应 纳 税 所 得 额					58	应 纳 税 所 得 额					58	应 纳 税 所 得 额				
18	职工福利费、职工教育经费、职工教育折旧					59	其中: 研究开发费用附加扣除					59	应 纳 税 所 得 额					59	应 纳 税 所 得 额					59	应 纳 税 所 得 额				
19	固定资产折旧					60	其他纳税调整减少项目					60	应 纳 税 所 得 额					60	应 纳 税 所 得 额					60	应 纳 税 所 得 额				
20	无形资产、递延资产摊销					61	纳税调整后所得	(42+43-59)				61	应 纳 税 所 得 额					61	应 纳 税 所 得 额					61	应 纳 税 所 得 额				
21	研究开发费用					62	减: 弥补以前年度亏损					62	应 纳 税 所 得 额					62	应 纳 税 所 得 额					62	应 纳 税 所 得 额				
22	利息净支出					63	减: 免税所得	(65+...+71)				63	应 纳 税 所 得 额					63	应 纳 税 所 得 额					63	应 纳 税 所 得 额				
23	汇兑净损失					64	其中: 国债利息所得					64	应 纳 税 所 得 额					64	应 纳 税 所 得 额					64	应 纳 税 所 得 额				
24	租金净支出					65						65	应 纳 税 所 得 额					65	应 纳 税 所 得 额					65	应 纳 税 所 得 额				



25	除	上缴总机构管理费	66	免	免
26	项	业务招待费	67	税	免
27	目	税金	68	的	的
28		坏帐损失	69	纳	入
29		增提的坏帐准备金	70	入	入
30		资产盘亏、毁损和报废净损失	71	或	费
31		投资转让净损失	72	附	
32		社会保险缴款	73	加	
33		劳动保护费	74	免	
34		广告支出	75	于	
35		捐赠支出	76	补	
36		审计、咨询、诉讼费	77	税	
37		差旅费	78	的	
38		会议费	79	免	
39		运输、装卸、包装、保险、展览费等销售费用	80	税	
40		矿产资源补偿费		的	
41		其他扣除费用项目		得	

应纳税人代表签章: \_\_\_\_\_ 日期: \_\_\_\_\_  
 应纳税人单位公章: \_\_\_\_\_ 日期: \_\_\_\_\_  
 联系电话: \_\_\_\_\_  
 以下由税务机关填写:  
 经办人: \_\_\_\_\_  
 受理申报日期: \_\_\_\_\_  
 审核人: \_\_\_\_\_  
 审核日期: \_\_\_\_\_

代理申报中介机构签章: \_\_\_\_\_  
 日期: \_\_\_\_\_  
 经办人: \_\_\_\_\_  
 经办人执业证件号码: \_\_\_\_\_  
 联系电话: \_\_\_\_\_

受理申报税务机关公章



Annual Income Tax return Statement(year 2001)				
For the year ( or quarter, month ) beginning from 1st Oct.2001 to 31st,Dec., 2001				
Tax payer's registry number:		23020212853508X10102		
Tax payer's name:	Qiqihar Hawk Industries.Co.Ltd			
Taxpayer's address:	NO.183 Longsha Road			
zip code:	161000			
Taxpayer's type	company limited			
taxpayer's main business	manufacturing			
taxpayer's account bank	Industrial and Commercial Bank of China(Qiqihar Branch)			
Bank account NO:	0902031009221017220			
Items	Line NO.	at BEG.of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
	6			

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# 企业所得税年度纳税申报表

税款所属期间:

纳税人识别号:

年 月 日至 年 月 日

2
3
0
2
2
0
2
1
2
2
5
3
5
5
0
5
X

金额单位: 元

纳税人名称						纳税人识别号									
								金额单位：元							
纳税人地址									邮政编码						
纳税人所属经济类型									纳税人所属行业						
纳税人开户银行									帐号						
行次	项	目	金 额	应 纳 税 所 得 额	的										
1	销售(营业)收入	(请填附表一)													
2	减：	销售退回													
3		折扣与折让													
4	销售(营业)收入净额	(1-2-3)													
5	其中：	免税的销售(营业)收入													
6	特许权使用费收益														
7	投资收益	(请填附表二)													
8	投资转让净收益	(见附表二)													
9	租赁净收益														
10	汇兑净收益														
11	资产盘盈净收益														
12	补贴收入														
13	其他收入	(请附明细表)													
14	收入总额合计	(4+6+7+8+9+10+11+12+13)													
15	销售税金及附加														
16	销售(营业)成本	(请填附表三)													
17	期间费用合计	(18+++42)													
18	其中：	工资薪金(请填附表四)													
19	职工福利费、职工工会经费、职工教育经费	(见附表四)													
20	固定资产折旧	(请填附表五)													
21	无形资产摊销	(见附表五)													
22	研究开发费														



除	项	目	算	其中: 国债利息所得
24	汇兑净损失		66	免税的补贴收入
25	租金净支出		67	免税的纳入预算管理的基金、收费或附加
26	上缴总机构管理费		68	免于补税的投资收益
27	业务招待费		69	免税的技术转让收益
28	税金		70	免税的治理“三废”收益
29	坏账损失 (请填附表六)		71	其他免税所得 (请附明细表)
30	增提的坏账准备金 (见附表六)		72	应纳税所得额 (63-64-65)
31	资产盘亏、毁损和报废净损失		73	适用税率
32	投资转让净损失 (见附表二)		74	应缴所得税额
33	社会保险缴款		75	减: 期初多缴所得税额
34	劳动保护费		76	已预缴的所得税额
35	广告支出 (请填附表七)		77	应补税的境内投资收益的抵免税额
36	捐赠支出 (请填附表八)		78	应补税的境外投资收益的抵免税额
37	审计、咨询、诉讼费		79	经批准减免的所得税额
38	差旅费		80	应补(退)的所得税额 (75-80)
39	会议费		81	
40	运输、装卸、包装、保险、展览费等销售费用 (请附明细表)			
41	矿产资源补偿费			
42	其他扣除费用项目 (附明细表)			

纳税人代表签章: \_\_\_\_\_  
 纳税人单位公章: \_\_\_\_\_  
 日期: \_\_\_\_\_  
 联系电话: \_\_\_\_\_

以下由税务机关填写:  
 经办人: \_\_\_\_\_  
 受理申报日期: \_\_\_\_\_  
 审核人: \_\_\_\_\_  
 审核日期: \_\_\_\_\_

代理申报中介机构签章:  
 日期: \_\_\_\_\_  
 经办人: \_\_\_\_\_  
 经办人执业证件号码: \_\_\_\_\_  
 联系电话: \_\_\_\_\_

受理申报税务机关公章

计账簿管理  
 档案室  
 档案编号: 2006-0155-1  
 档案名称: 企业所得税申报表  
 档案日期: 2006-01-15

Annual Income Tax return Statement(year 2002)				
For the year ( or quarter, month ) beginning from 1st Oct.2002 to 31st,Dec., 2002				
Tax payer's registry number:		23020212853508X		
Tax payer's name:	Qiqihar Hawk Industries.Co.Ltd			
Taxpayer's address:	No.15 Nanyuan Road			
zip code:				
Taxpayer's type	company limited			
taxpayer's main business				
taxpayer's account bank				
Bank account NO:				
Items	Line NO.	at BEG.of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
	6			



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# 企业所得税年度纳税申报表

税款所属期间:

2003年1月1日至2003年12月31日

金额单位:元

微机管理编码:

01001010102

Seal

01001010102

纳税人名称		呼和浩特市新桥有限公司		纳税人识别号		161000	
纳税人地址		南苑路15号		纳税人所属行业		制造业	
纳税人所属注册类型		有限责任公司		帐 号		0900031009021017000	
纳税人开户银行		工商银行营业部		项 目		金 额	
行次		项 目		金 额		金 额	
1	销售(营业)收入			42	纳税调整前所得(14-15-16)		
2	减:销售退回			43	加:纳税调整增加额(44+...+58)		
3	折扣与折让			44	其中:		
4	销售(营业)收入净额(1-2-3)			45	工资薪金纳税调整额		
5	其中:免税的销售(营业)收入			46	职工福利费、职工工会经费和职工		
6	特许权使用费收益			47	教育经费的纳税调整额		
7	投资收益			48	利息支出纳税调整额		
8	投资转让净收益			49	业务招待费纳税调整额		
9	租赁净收益			50	广告支出纳税调整额		
10	汇兑净收益			51	赞助支出纳税调整额		
11	资产盘盈净收益			52	捐赠支出纳税调整额		
12	补贴收入			53	折旧、摊销支出纳税调整额		
13	其他收入			54	坏帐损失纳税调整额		
14	收入总额合计(4+6+7+8+9+10+11+12+13)			55	坏帐准备纳税调整额		
15	销售(营业)成本			56	罚款、罚金或滞纳金		
16	期间费用合计(17+...+41)			57	存货跌价准备		
17	其中:			58	短期投资跌价准备		
18	工资薪金			59	长期投资减值准备		
19	职工福利费、职工工会经费、			60	其他纳税调整增加项目		
20	固定资产折旧			61	减:纳税调整减少额(60+61)		
21	无形资产摊销			62	其中:		
22	研究开发费用			63	其他纳税调整减少项目		
23	利息净支出			64	纳税调整后所得(42+43-59)		
24	汇兑净损失			65	减:弥补以前年度亏损		
	租金净支出				其中:国债利息所得		



25	上缴总机构管理费		66	免税的纳入预算管理的基金、收费或附加	
26	业务招待费		67	免于补税的投资收益	
27	税金		68	免于补税的技术转让收益	
28	坏账损失		69	免税的治理“三废”收益	
29	增提的坏账准备金		70	其他免税所得	
30	资产盘亏、毁损和报废净损失		71	应纳所得税额 (62-63-64)	
31	投资转让净损失		72	适应税率	
32	社会保险缴款		73	应缴所得税额	
33	劳动保护费		74	减、期和多缴所得税额	
34	广告支出		75	已预缴的所得税额	
35	捐赠支出	220000	76	应补税的境内投资收益的抵免税额	
36	审计、咨询、诉讼费		77	应补税的境外投资收益的抵免税额	
37	差旅费		78	经批准的减免的所得税额	
38	会议费		79	应补(退)的所得税额 (74-...-79)	
39	装卸、包装、保险、运费、装卸费、展览费、销售费用		80		
40	矿产资源补偿费				
41	其他扣除费用项目	125100			

纳税人代表签章: \_\_\_\_\_

纳税人识别号: \_\_\_\_\_

日期: \_\_\_\_\_

联系电话: \_\_\_\_\_

代理申报中介机构签章: \_\_\_\_\_

日期: \_\_\_\_\_

经办人: \_\_\_\_\_

经办人执业证件号码: \_\_\_\_\_

联系电话: \_\_\_\_\_

以下由税务机关填写:

经办人: \_\_\_\_\_

受理申报日期: \_\_\_\_\_

审核人: \_\_\_\_\_

审核日期: \_\_\_\_\_

Annual Income Tax return Statement(year 2003)				
For the year ( or quarter, month ) beginning from 1st Oct.2003 to 31st,Dec., 2003				
Tax payer's registry number:		010010102		
Tax payer's name:		Qiqihar Hawk Industries.Co.Ltd		
Taxpayer's address:		NO.15 Nanyuan Road		
zip code:		161000		
Taxpayer's type		company limited		
taxpayer's main business		manufacturing		
taxpayer's account bank		Industrial and Commercial Bank of China(Qiqihar Branch)		
Bank account NO:		0902031009221017220		
Items	Line NO.	at BEG. of the period	at END of the period	
I、Revenues	1			
Less: Sales Discount	2			
Less: Operating Cost	3			
Less: Operating Expense	4			
Less: Sales Tax	5			
	6			

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
COPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

DECLARATION OF WU RUIHUAN

**Exhibit D**





中国北方工业公司

兵总编号	(99) 兵生军贸字 号	签约日期	99年07月
对外合同号	D31990728HJE	对内合同号	D31990728HJE

	供 方	需 方
单位名称	黑龙江雄鹰(集团)股份有限公司	中国北方工业公司
单位地址	齐齐哈尔市龙沙路183号	北京市广安门南街甲12号
邮政编码	161000	100053
开户银行	中行齐分行	交通银行北京分行
银行帐号	0181060279	0061310005
电 话	0452 2420826	010 63529988 - 10725
传 真	0452 2422676	010 63522914、63540398

产品名称	单位	数量	单价 (RMB)	总价 (RMB)
猎枪/短管类/18.5" 管长/铜珠准星/固定平缩口/塑托/喷砂氧化	支	1000	562.00	562,000.00
猎枪/短管类/18.5" 管长/小孔准星/固定平缩口/塑托/喷砂氧化	支	1000	601.00	601,000.00
猎枪/长管类/26" 管长/瞄准板/Mod. 活缩口/木托/喷砂氧化	支	100	631.00	63,100.00
总金额	1,226,100.00	总金额大写	壹佰贰拾贰万陆仟壹佰元整	

### Contract for Norinco's Foreign Trade Products

兵总编号:	(99) 兵生军贸字 号	Conclusion Date:	28 <sup>th</sup> July 1999
Contract NO for purchase:	D31990728HJE	Contract NO for exportation:	D31990728HJE-QL

	Supplier	Buyer
Company name :	Heilongjiang Hawk Group Co.Ltd.	China Norinco Industries
Company address:		
Zip Code:		
Account Bank:		
Account NO:		
TEL:		
FAX:		

[illegible]

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC.; INTERSTATE  
ARMS CORPORATION; NORINCO  
a/k/a CHINA NORTH INDUSTRIES  
COPORATION, et al.,

Defendants.

CASE NO.:  
3:06-CV-00715-MHT

MOTION TO DISMISS

## Exhibit 2

Defendant China North Industries  
Corp.'s Responses to Plaintiff's First  
Interrogatories to Norinco

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

B.B., a minor, by and  
Through his mother and next friend,  
OWENA KNOWLES,

Plaintiff,

v.

PAWN CITY, INC., INTERSTATE  
ARMS CORP., and NORINCO a/k/a  
CHINA NORTH INDUSTRIES CORP.,  
et al.,

Defendants.

Case No.: 3:06-cv-00715-MHT

**DEFENDANT CHINA NORTH INDUSTRIES CORP.'S  
RESPONSES TO PLAINTIFF'S FIRST INTERROGATORIES TO NORINCO**

Defendant China North Industries Corp. ("Norinco"), by and through its counsel, Johnston Barton Proctor & Rose LLP, and pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby submits its response to Plaintiff's First Interrogatories to Norinco, as follows:

**Responses to Interrogatories**

1. Please state this defendant's name correctly and/or the correct way this defendant should be designated as a party defendant in an action at law (at the time of the occurrence made the basis of this suit and at the time these interrogatories are answered).

**Response**

Defendant's legal name is China North Industries Corp. Defendant is commonly known as Norinco.



2. State this defendant's role in the design, manufacture, assembly, and/or distributive chain of the product. If this defendant claims to have had no such role, state the name and address of each person or entity that did. If this defendant had such role, state:
  - (a) The respective dates the product was designed, assembled, and/or manufactured and/or distributed.
  - (b) The date the product was sold and the name and address of the person or entity to whom the product was sold.

Response

Norinco purchased the product from the manufacturer, Qiqihar Hawk Industries, which sold it to Norinco on July 29, 1999. In turn, Norinco sold the product to Interstate Arms Corp. in November 1999. Norinco does not have first hand knowledge of the information requested about the other steps in the chain of distribution.

3. State the name and address of each person or entity within the distributive chain of the product from the date of manufacture up to and including the date of said occurrence.

Response

Please see the response to Interrogatory 2.

4. Please identify all information which accompanies the product from the time it is shipped from this defendant to the time it is purchased by a consumer.

Response

The HP Series Pump Action Shotguns Owners Manual ("Manual) and the quality certificate issued by the manufacturer accompanied the product when it was shipped by Norinco to Interstate Arms Corp. Norinco does not have first hand knowledge as to what information accompanied the product in later steps of the chain of distribution.

5. Please identify all parts and accessories that accompany the product from the time it is shipped from this defendant to the time it is purchased by a consumer.

Response

Four chokes and one spanner accompanied the product when it was shipped by Norinco to Interstate Arms Corp. Norinco does not have first hand knowledge as to what accessories accompanied the product in later steps of the chain of distribution.

6. Please list all testing and/or quality assurance procedures ever performed on the product by this defendant or on behalf of this defendant.

Response

Norinco did not perform testing or quality assurance procedures on this product.

7. List any and all standards, if any, which pertain to the design, manufacture, use or assembly of the product or other similar products including, but not limited to, all standards known to the defendant which were promulgated by local, state or governmental agencies, bureaus, and commissions, or by industry groups.

Response

Norinco objects that the phrase "similar products" is not defined. To Norinco's knowledge, the product is manufactured or assembled according to the GB14630-93, WJ1675-86 and WJ1770-88 standards used in the People's Republic of China.

8. Describe any and all recall and/or retrofit campaigns or similar activity involving the product or similar products, or any component thereof conducted by this defendant or any representative of this defendant.

Response

Norinco objects that the phrase “similar products” is not defined. To Norinco’s knowledge, there have been no recall and/or retrofit campaigns or similar activity involving shotguns distributed by Norinco.

9. List all warranties pertaining to or covering the product. (If written, please attach copies).

Response

Norinco did not make any express warranties covering this product.

10. Describe any and all approvals of the product by any person, corporation, association, consumer group, or any other entity.

Response

Norinco objects that this interrogatory is vague in that the word “approvals” is unclear. Norinco did not receive any express approvals for this product.

11. Describe any training, teaching or instructional program (s) conducted by or participated in by this defendant regarding the use, operation and/or, maintenance of the product or similar products. This should include, but is not limited to, any field training, teaching or instructional programs.

Response

Norinco objects that the phrase “similar products” is not defined. Norinco has not conducted or participated in training, teaching or instructional programs for this product. Instruction concerning the use of this product is given in the Manual accompanying the product when it is sold by Norinco.

12. Describe any and all repairs, changes or modifications to the product made five years prior to or subsequent to the occurrence made the basis of this suit.

Response

To Norinco’s knowledge, none.

13. State the full name and address of each and every witness that you expect to call at the trial of this case;

Response

Norinco has not yet identified the witnesses it expects to call at the trial of this case. Norinco will provide such information in accordance with Section 10 of the Uniform Scheduling Order in this case.

14. Please state the name and address of each expert witness that you expect to call at the trial of this case and state the subject matter on which said experts are expected to testify.



Response

Norinco has not yet identified the expert witnesses it expects to call at the trial of this case. Norinco will provide such information in accordance with Section 8 of the Uniform Scheduling Order in this case.

15. Please state the substance of the facts, opinions and conclusions to which each and every expert is expected to testify in this case.

Response

Please see the response to Interrogatory 14.

16. State the name and address of the person(s) and/or employee(s) of this defendant who is most knowledgeable about the design, manufacture and/or operation of the product.

Response

Norinco did not design or manufacture the product. As to the operation of the product:

Mr. Chai Da Wei  
Sales Manager of Import & Export Department  
Norinco Equipment Co., Ltd.  
c/o Johnston Barton Proctor & Rose LLP  
2900 AmSouth/Harbert Plaza  
1901 Sixth Ave. N.  
Birmingham, AL 35203

17. State the name and address of any and all safety or industrial associations or organizations of which this defendant is a member.

Response

None relating to this product.

18. State whether or not this defendant has or had possession or control of any document containing information regarding safety in the design, manufacture, assembly, use and/or maintenance of the product described in the complaint or other substantially similar products. If so, produce a copy thereof.

Response

The Manual accompanied the product when it was sold by Norinco. The Manual has previously been produced.

19. Please state and list any citations, criticisms, reprimands or correspondence with any governmental agency or body because of alleged violations of any international, federal, state, or local statute or regulation with regard to the design, manufacture, distribution or sale of the product described in the complaint within the last five years. Produce a copy of all documentation described in this interrogatory.

Response

Norinco objects that this interrogatory is vague. Norinco understands this interrogatory to be directed to citations, criticisms, reprimands or correspondence with any government agency or body directed particularly to shotguns. Based on this understanding, there were none, to Norinco's knowledge.

20. Please state or list any and all lawsuits (past or present) against this defendant claiming injury, death or damage due to an alleged defective condition, defect in or problems regarding the product or similar products described in the complaint within the last five years. This should include the civil action number of any such lawsuits, location of filing, current disposition, and identity of plaintiff and defense counsel.

Response

Norinco objects that the term "similar products" in this interrogatory is vague. With the exception of this lawsuit, there is no other lawsuit against Norinco claiming injury, death or damage due to an alleged defective condition, defect in or problems regarding shotguns within the last five years.

21. Please describe any remedial or subsequent changes made to the product described in the complaint

Response

To Norinco's knowledge, none.

22. Please describe any safety inspection, quality control inspection, quality inspection or other type of inspection, made by or for this defendant with respect to the manufacturing and/or distribution of the product or products similar to the one made the basis of plaintiff's complaint

Response

Norinco objects that the phrase “similar products” is not defined. Norinco is not a manufacturer of the product or other shotguns and it did not conduct any inspections with regard to such products. In accordance with the sales contracts between Norinco and the manufacturer, the manufacturer is responsible for the quality of the products shipped under the sales contracts.

23. Please describe the procedure this defendant follows when someone reports a problem or criticism of equipment such as the product that is the subject of this lawsuit.

Response

There have not been any problems or criticisms with respect to the product that is the subject of this lawsuit. When there is a report or criticism of products shipped by Norinco, Norinco conducts its own investigation to learn the nature of the problem or criticism and then figures out the solution depending on the nature of the problem or criticism.

24. State whether or not this defendant, or anyone to its knowledge, published and/or distributed any brochure, pamphlet, or other printed material which contained warnings concerning the possibility of injury resulting from the use of the product referred to in the complaint, or other similar products. If so, produce a copy thereof.



Response

The Manual accompanied the product when it was sold by Norinco. It provides warnings concerning the possibility of injury resulting from the use of the product. The Manual has previously been produced.

25. State whether or not this defendant has ever sent any notices, warnings, or modified instructions to owners or users of products manufactured and/or, sold by this defendant. If so, produce a copy thereof.

Response

Norinco objects that this interrogatory is vague and overbroad since it does not define products. Norinco sells many different types of products. Norinco has not sent any notices, warnings or modified instructions to owners of shotguns sold by Norinco other than the Manual.

26. State whether this defendant or any representative of this defendant conducted any recall and/or retrofit campaigns or similar activity involving the product referred to in the complaint or similar products, or any component part thereof. If so, produce a copy thereof.

Response

Norinco objects that this interrogatory does not define "similar products." Norinco has not conducted any recall and/or retrofit campaigns or similar activity involving shotguns.

27. Has this defendant ever made any written warranties on any of the products which it distributes? If so, produce a copy thereof.

Response

Norinco objects that the phrase “any of the products which it distributes” is vague and overbroad. Norinco distributes many different types of products. Norinco did not make a written warranty on the product.

28. State whether this defendant conducted, participated in or otherwise knows of any training or instructional program regarding the use, operation and/or maintenance of the product involved in the occurrence made the basis of this suit or substantially similar products. If so, produce a copy thereof

Response

Please see the response to Interrogatory 11.

29. Identify any and all safety components of this product. Such an identification should include a description of all guards, warnings, safety systems and designs.

Response

The product has a push button safety which moves only horizontally and has a red band on one side. It has an automatic disconnect device which means that the trigger must be released between rounds. It has a bolt release lever which allows the user to empty the chamber of the product in the event the user chooses not to shoot. The Manual, which accompanied the product when it was sold by Norinco, provides information about safe use of the product.

30. Describe this defendant’s relationship with Qiqihar Hawk Industries and

Interstate Arms Corporation.

Response

Norinco purchased the product from Qiqihar Hawk Industries and sold it to Interstate Arms Corp.

31. Describe with specificity the process through which the barrel is affixed in its proper location on the subject product.

Response

Norinco objects that this interrogatory is ambiguous. To the extent the interrogatory is directed to the manufacturing process, Norinco did not manufacture the product. To the extent the interrogatory is directed to assembly of the product by the user, please see page 3 of the Manual, which has been produced.

32. List and describe all equipment used in the manufacture of the product, to include soldering equipment and supplies.

Response

Norinco did not manufacture the product.

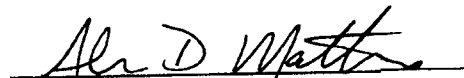
33. Describe in detail the training given to the person(s) responsible for soldering the barrel stud and affixing the barrel to the product.

Response

Norinco did not manufacture the product.

Signed as to objections only:

Dated: February 28, 2007.



James C. Barton, Jr. (BAR014)

Bar Number: ASB-0237-B51J

Email: jbartonjr@bpp.com

Alan D. Mathis (MAT052)

Bar Number: ASB-8922-A59M

Email: adm@bpp.com

Attorneys for defendant  
China North Industries Corp.

JOHNSTON BARTON PROCTOR & ROSE LLP

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OF COUNSEL



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, on this 28<sup>th</sup> day of February 2007, upon the following:

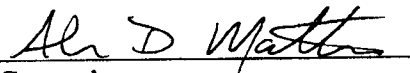
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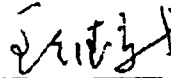
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**VERIFICATION**

I am Wang Wenxin of Defendant China North Industries Corp. I have read the foregoing Defendant's Responses to Plaintiff's First Set of Interrogatories and know its contents. I declare under the penalty of perjury of the laws of the United States that the Responses are true and correct to the best of my information and belief, which is based on my own personal knowledge, the documents in the possession of Defendant and its subsidiaries, and the knowledge of other officers and employees of Defendant and its subsidiaries.

Executed this 27 day of February, 2007 in Beijing, People's Republic of China.

  
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